

Applicant : Carlo Ghisalberti
Serial No. : 10/088,004
Filed : March 11, 2002
Page : 4 of 5

Attorney's Docket No.: 17960-002US1

REMARKS

Applicant's agent, Julius Fister, appreciates Examiner Lamm's courtesy during a telephone interview March 7, 2005. The amendments and remarks presented herein are substantially in accord with those discussed during the interview.

Claims 30 and 32-38 are pending. Claim 30 is amended to include language of claim 31 referring to a range of from 2 to 70%. Claim 31 is canceled.

Claim 32 is amended to depend from claim 30.

Claim 36 is amended to correct an error in the spelling of "theophilline."

Claim 38 is amended to recite visually determining the presence of dimpled skin and, therefore, is understood to be in proper dependent form.

Applicants confirm the remarks set forth in the Amendment submitted September 9, 2004 with respect to the rejection under 35 U.S.C. § 102(e) over U.S. application publication no. 20010041708 ("Halvorsen"), with respect to the rejection under 35 U.S.C. § 103(a) over U.S. patent no. 6,444,234 (also published as WO/01351) to Kirby et al. ("the Kirby patent") either alone or in view of U.S. patent no. 5,667,793 to Cho et al. ("Cho"), and with respect to the rejection under 35 U.S.C. § 103(a) as being unpatentable over Halvorsen or Kirby in view of international publication no. WO/9012563 ("Nechay").

As discussed in the previous Amendment, Halvorsen is not available as prior art against the present application.

It is submitted that the claims set forth herein are patentable over any combination of the properly cited art.

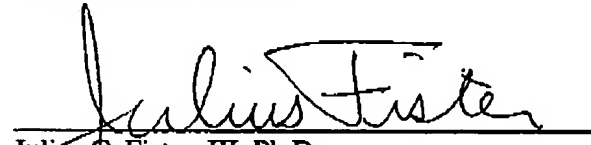
A Petition for Extension of Time with fee payment by check is submitted herewith. Please apply any other charges or credits to deposit account 06-1050.

Applicant : Carlo Ghisalberti
Serial No. : 10/088,004
Filed : March 11, 2002
Page : 5 of 5

Attorney's Docket No.: 17960-002US1

Respectfully submitted,

Date: March 10, 2005


Julius C. Fister, III, Ph.D.
Reg. No. 46,702

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21044461.doc